

House File 2042 - Introduced

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BY HITE

A BILL FOR

1 An Act relating to disclosure of psychological test material.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 228.9, Code 2022, is amended to read as
2 follows:

3 **228.9 Disclosure of psychological test material.**

4 1. Except as otherwise provided in [this section](#), a person in
5 possession of psychological test material shall not disclose
6 the material to any other person, including the individual
7 who is a subject of the test. In addition, the test material
8 shall not be disclosed in any administrative, judicial, or
9 legislative proceeding. ~~However, upon~~

10 2. Upon the request of an individual who is the subject of
11 a test, all records associated with a psychological test of
12 that individual shall be disclosed to a psychologist licensed
13 pursuant to [chapter 154B](#) designated by the individual. An
14 individual's request for the records shall be in writing and
15 shall comply with the requirements of [section 228.3](#), relating
16 to voluntary disclosures of mental health information, except
17 that the individual shall not have the right to inspect the
18 test materials.

19 3. Subsection 1 shall not apply if a demand for
20 psychological test material has been made pursuant to a
21 discovery request or a subpoena issued in litigation and the
22 cognitive abilities of the individual who is the subject of the
23 test are at issue in the litigation.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to disclosures of psychological test
28 materials.

29 The bill allows a person in possession of psychological
30 test materials to disclose the materials of an individual if a
31 demand for psychological test material has been made pursuant
32 to a discovery request or a subpoena issued in litigation and
33 the cognitive abilities of the individual who is the subject of
34 the test are at issue in the litigation.